

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:
All Cases

MDL NO. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**DECLARATION OF DONNA M. WELCH IN SUPPORT OF MANUFACTURING
DEFENDANTS' OPPOSITION TO PLAINTIFFS' EXECUTIVE COMMITTEE'S
EMERGENCY MOTION FOR LEAVE TO TAKE
TRIAL PRESERVATION DEPOSITION OF DAVID KESSLER**

I, DONNA M. WELCH, declare as follows:

1. I am a partner with the law firm of Kirkland & Ellis LLP and represent Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc. in the above-captioned actions. I have personal knowledge of the matters stated herein; and, if called upon, I could and would competently testify thereto. I submit this declaration in support of Manufacturing Defendants' Opposition to Plaintiffs' Executive Committee's Emergency Motion for Leave to Take Trial Preservation Deposition of David Kessler.

2. Attached hereto as Exhibit 1 is a true and correct copy of an order entered on January 5, 2021 in *In re: Abilify (Aripiprazole) Products Liability Litigation*, No. 3:16-md-02734-MCR-GRJ (N.D. Fla.), ECF No. 1314.

3. Attached hereto as Exhibit 2 is a true and correct copy of a December 22, 2020 hearing transcript in *Hamilton v. Novartis Pharmaceuticals, Corp.*, Case No. 37-2013-00070440-CU-MM-CTL (Cal. Super. Ct.).

4. Attached hereto as Exhibit 3 is a true and correct copy of the December 2, 2020 Bloomberg article titled *Biden Closes in on Top Health Leaders as Pandemic Ravages U.S.*, available at <https://www.bloomberg.com/news/articles/2020-12-02/biden-closes-in-on-top-health-leaders-as-pandemic-ravages-u-s>.

5. Attached hereto as Exhibit 4 is a true and correct copy of an order entered on January 2, 2020 in *In re Opioid Litigation*, Index No. 400000/2017 (N.Y. Sup. Ct.), NYSCEF No. 2349.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 8th day of January, 2021.

/s/ Donna Welch

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF System.

/s/ Donna Welch

Donna Welch, P.C.